UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,667	03/21/2001	Sharon Marie Lee	041-509-L	3631

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EXAMINER
SHAAWAT, MUSSA

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/813,667	LEE ET AL.
	Examiner	Art Unit
	Mussa A Shaawat	2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some *   c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on March 21, 2001. Claims 1-6 are

presented for examination.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

include the following reference character(s) not mentioned in the description: fig.10B, fig. 17A-

17B, and fig. 24A-24B. Corrected drawing sheets, or amendment to the specification to add the

reference character(s) in the description, are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of

the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header

(as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes

are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in

abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter, which the applicant regards as his invention.

3.   Claims 1-6 are rejected under 35 U.S.C. 112 2nd paragraph due to lack of

antecedent basis in the claims.

Claim 1 recites the limitation "the customer's sizing requirements" in claim 1

limitation (a). There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the physical site locations" in claim 2 limitation (a1), "the total number of users, said sites, and the concurrent number of users" in claim 2 limitation (a2), "the user-types" in claim 2 limitation (a3), "the application program, the user types" in claim 2 limitation (a4), and "the relationship between user-types, the number of concurrent user-type" in claim 2 limitation (a5). There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites the limitation "the default level of availability, the server farm and the supporting modules" in claim3 limitation (b1), "the desires or future availability" in claim 3 limitation (b2), "the minimum amount of disk capacity, the minimum amount of memory, and the network utilization capacity" in claim 3 limitation (b4), and "the optional software, the network utilization, the disk capacity" in claim 3 limitation (b6). There is insufficient antecedent basis for these limitations in the claim.

Claim 4 recites the limitation "the customer's site locations, the types of users, the number of users, the server farm, the application program types" in claim 4 limitation (b), "the level of availability, the maximum number, the concurrent number, the use of various benchmark" in claim 4 limitation (c), and "the optimum server" in claim 4 limitation (d). There is insufficient antecedent basis for these limitations in the claim.

Claim 5 recites the limitation "said data" in line 3 of claim 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the information collection process" in claim 6 limitation (c). There is insufficient antecedent basis for this limitation in the claim.

4.   Regarding claim 3, limitation (b3), the phrase "such as" renders the claim indefinite

because it is unclear whether the limitations following the phrase are part of the claimed

invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bixler et al.

Patent No. (6,212,559) referred to hereinafter as Bixler.

As per claim 1, Bixler teaches a method for configuring a Server Farm network

comprising the steps of:

(a) Establishing on a Windows screen, a configuration session between the designer and

the customer in order to develop the customer's sizing requirements, see Bixler (col.5,

lines 35-55, and col.6, lines 12-40, and col.10, lines 19-30).

(b) Generating a display report, which will recommend the optimum server configuration

and other necessary information to optimize the customer's requirements, see Bixler

(col.6, lines 45-67, and col.10, lines 1-28).

As per claim 2, Bixler teaches a method of claim 1 wherein step (a) of said configuration

session includes the steps of:

(a1) establishing on a Windows screen, the physical site locations where a server

Farm containing terminal servers will be located, see Bixler (col.5, lines 60 67, and col.6, lines 1-5, and col.5, lines 55-58).

(a2) establishing on a Windows screen, the total number of users to be located at each of said sites and the concurrent number of users at any given period of time, see Bixler (col.6, lines 5-11);

(a3) establishing on a Windows screen, the User-Types involved at each site, which enumerates the number of the various types of specific Users involved, see Bixler (col.6, lines 1-11).

(a4) establishing on a Windows screen, the application program types that will be used by each of the User-Types, see Bixler (col.6, lines 30-40, and col.7, lines 32-42).

(a5) establishing on a Windows screen, the relationship between User-types and Application program types to specify the number of concurrent User-type Users for each Application type, see Bixler (col.7, lines 43-67).

As per claim 3, Bixler teaches a method of claim 1 which includes wherein step (b) includes the steps of:

(bl) establishing on a Windows screen, the default level of availability for the Server Farm and the supporting modules, see Bixler (col.5, lines 40-45).

(b2) providing an interactive Availability Calculator to determine the desires or future Availability Level of the Server Farm, see Bixler (col.5, lines 40-45).

(b3) determining whether optional software, such as MetaFrame, Load Balancing Software, and ICA Secure Software, will be required for the configuration, see Bixler (col.8, lines 52-65).

(b4) determining the minimum amount of disk capacity required, the minimum amount of memory required, and the network utilization capacity for the server Farm configuration, see Bixler (col.6, lines 48-67).

(b5) determining a base Server Farm configuration which involves a specific number of Servers, which is based on an adjusted number of Users of the Server Farm, see Bixler (col.7, lines 1-42).

(b6) generating and displaying Windows or printed reports which indicate the optimum base server configuration which will also indicate the server availability, the optional software, the network utilization, the disk capacity, and any required licenses, see Bixler (col.6, lines 40-55).

As per claim 4, Bixler teaches a system for developing a customer profile which indicates the various capabilities and requirements of the customer to be used as input for generating a optimized configuration report, said system comprising:

(a) A plurality of window screens which can be displayed on a personal computer for inputting a series of parameters, which develop a customer profile, see Bixler (col.5, lines 35-55, and col.6, lines 12-40, and col.10, lines 19-30).

(b) Windows screens for developing the customer's site locations for his terminal servers, and for inputting the types of users and the number of users that will be using the Server Farm, and for inputting the application program types to be used by each of the users of the Server Farm, see Bixler (col.6, lines 5-11, and col.6, lines 30-40, and col.7, lines 32 42).

(c) Auxiliary Windows screens for inputting the level of availability expected from the Server, the maximum number of users for each Server, and the concurrent number of users for each server plus the use of various benchmark and network utilization parameters, see Bixler (col.7, lines 43-67, and col.5, lines 40-45).

(d) Algorithmic means for calculating and displaying the optimum server configuration suitable for fitting the customer's profile, see Bixler (col.6, lines 45-67, and col.10, 1-28).

As per claim 5, Bixler teaches a system for collecting and storing customer profile information on a plurality of database information-holding means and utilizing said data via an algorithmic optimization method for providing an optimum set of configurations for a Server Farm most suitable to a customer-user, comprising:

(a) Customer-client-user profile development means, see Bixler (col.5, lines 35-55, and col.6, lines 12-40, and col.10, lines 19-30, col.8, lines 15-40).

(b) Database information holding means, see Bixler (col.6, lines 30-40, and col.7, lines 32-42, and col.8, lines 15-40).

(c) Program means for accessing said customer- client-user profile information and said database information to develop an optimized Server Farm configuration for a specific customer, see Bixler (col.6, lines 45-67, and col.10, lines 1-28).

As per claim 6, Bixler teaches a system for designing, configuring and optimizing a Server Farm for a customer's Enterprise system comprising:

(a) A server information database means for holding benchmarks and informational data on a plurality of servers to be utilized, see Bixler (col.6, lines 30-40, and col.7, lines 32-42 and col.5, lines 34-40, and col.8, lines 15-40).

(b) A sizing database means for holding User-type and Application-type attributes, see Bixler (col.5, lines 35-55, and col.6, lines 12-40, and col.10, lines 19-30, col.8, and lines 15-40).

(c) A configuration database template means for storing information collected from window screens used in the information collection process, see Bixler (col.5, lines 45-67, and col.6, lines 1-40, and col.8, lines 15-40).

(d) A configuration session database means for providing information to an Application Delivery Solution Configurator to enable algorithmic steps to be implemented for developing an optimized configuration for meeting a customer's requirements, see Bixler col.7, lines 1-40, and col.8, lines 15-40);

(e) Application Delivery Solution Configurator means which provide programmatic methods for accessing information from said server information database means, from said sizing database means, from said configuration database template means, and from said configuration session database means, for application to a sequence of algorithmic steps which will provide a series of output reports which will indicate optimum Server Farm configurations, said Application Delivery Solution Configurator means also including input information developed from customer-client-user profile information, see Bixler (col.8, lines 15-40);

(f) Information means developed from customer client-user communication and that of a system designer, which can then be input to said Application Delivery Solution Configurator means, see Bixler (col.7, lines 1-67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bixler et al. Patent No. (6,212,59) automated comfiguration of internet-like computer network.

- Shah et al. Patent No. (6,041,325) system and method for controlling access to a telephony database.

- Sondur et al. Patent No. (6,457,048) system for representing device topology in a computer network operable independent of network management.

- Day et al. Pub. No. US 2002/0095487 A1, system for registering, locating, and identifying network equipment.

- Gullotta et al. Pub. No. US 2002/0156904 A1, system and method for provisioning resources to users based on roles, organizational information, attributes and third-party information or authorization.
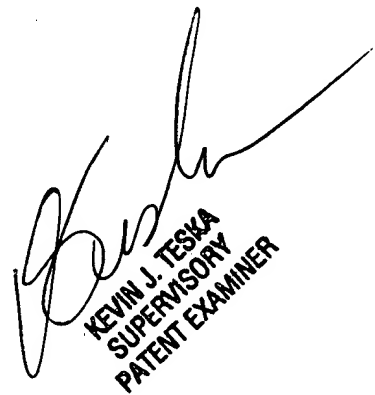
Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (703) 605-1372. The examiner can normally be reached on Monday-Friday(8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (703) 308-6647. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat
Patent Examiner
July 14, 2004

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